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16 L.L.C., and Consecro Marking, L.L.C.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 In re CONSECO INSURANCE CO.
20 ANNUITY MARKETING & SALES
21 PRACTICES LITIG.

Case No. C-05-04726-RMW
And Related Cases

CLASS ACTION

21 This Case Relates To:

22 ALL ACTIONS.

**STIPULATION, RECOMMENDATION OF
MEDIATOR, AND ORDER [XXXXXXXX
FOR SCHEDULING CLASS
CERTIFICATION ISSUES**

24 **STIPULATION**

25 Whereas, the Court previously entered an order, setting a hearing on class
26 certification for June 18, 2010;

27
28 Whereas, the Parties hereto have in good faith explored the possibility of

1
2 settlement of this lawsuit, have submitted the case to mediation, and are
3
4 scheduled to return to mediation on February 25, 2010, and, if need be, again on
5 March 11, 2010.

6
7 Now, therefore, Plaintiff and all Defendants hereby stipulate and agree to
8 the following relating to class certification:

9 1. The current schedule relating to class certification shall be vacated
10 in its entirety in order to allow the Parties time to complete mediation.
11

12 2. The Parties request the Court to set a status conference on a date
13 after March 11, 2010 to discuss the status of settlement discussions and, if need
14 be, the entry of a schedule for class certification;
15

16 3. The Parties specifically authorize the Court to discuss this case and
17 the status of mediation with the mediator selected by the Parties, Hon. Edward A.
18 Infante (ret.).
19

20
21 DATED: _____
22

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MEDIATOR'S RECOMMENDATION

I, EDWARD A. INFANTE, whom the Parties have requested to serve as mediator in an effort to facilitate a resolution of the above-entitled action, have reviewed the above stipulation, believe that the Parties are attempting in good faith to resolve all issues in this case, and recommend that the Court approve the stipulation.

Dated: 1-7-10


Hon. Edward A. Infante (Ret.)

ORDER [XXXXXXXXXX]

The Court having considered the above stipulation and good cause appearing,

IT IS HEREBY ORDERED that a status conference will be held in courtroom 6 of this Court on March 12,, 2010 at 10:30 a.m. a.m.) (p.m.).

DATED: 2/2, 2010


Ronald M. Whyte
United States District Court Judge